



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider a Resolution Establishing an Area of Benefit and Reimbursable Costs for Tienda Drive Improvements

MEETING DATE: March 5, 2003

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a Public Hearing to consider a resolution establishing an area of benefit and reimbursable costs for Tienda Drive improvements fronting parcels APN 031-040-35 and APN 031-040-36.

BACKGROUND INFORMATION: The final map and improvement agreement for the Tienda Place, Unit No. 1, development were approved by Council on October 17, 2001. The tentative map conditions for that project set forth in Resolution P.C. 99-23 adopted by the Planning Commission on June 23, 1999, required that the developer install street improvements (street paving only) and extend public utilities in the Tienda Drive alignment through the adjacent properties to the west, APN 031-040-35 and 031-040-36 (formerly combined as APN 031-040-09) and 031-040-16, as shown on Exhibit A. The resolution further states that the developer shall pay one-half of the street pavement improvement costs. The resolution is silent as to payment for the remaining one-half of the street pavement improvements, but the minutes for the Planning Commission meeting indicated that City Council approval would be sought for reimbursement to the developer by the City for those costs.

During the course of construction for the Tienda Place development, the developer acquired an interest in the most westerly parcel (APN 031-040-16) along the Tienda Drive alignment and elected to install full street frontage improvements, including curb, gutter and sidewalk, along that parcel as part of the Tienda Place development, as that is a normal development requirement. The installation of those improvements left only parcels APN 031-040-35 and 031-040-36 along the entire Tienda Drive alignment without curb-to-curb street improvements. In the interest of public safety and to provide for orderly development, on August 7, 2002, Council approved an addendum to the improvement agreement for the Tienda Place, Unit No. 1, subdivision that included reimbursement to the developer by the City for one-half the street pavement improvements, as well as the installation of curb and gutter improvements for parcels APN 031-040-35 and 031-040-36 in order to complete the street. The staff report indicated that staff would return to Council at a later date to establish a benefit area to recover the cost of those improvements.

In conformance with LMC Section 16.40, staff recommends that Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the cost of street improvements on Tienda Drive fronting parcels APN 301-040-35 and 031-040-36 that benefit from those improvements. The reimbursable costs for each parcel are shown on Exhibit B. In addition, at the request of Mr. Jeffrey Kirst of Tokay Development and Ms. Jane Thomas of R. Thomas Development in anticipation of the submittal of a request for a lot line adjustment to create single parcels north and south of

APPROVED:



H. Dixon Flynn -- City Manager

Tienda Drive, the reimbursable costs have also been segregated to reflect the total costs associated with the north and south sides of the street.

Pursuant to Lodi Municipal Code Section 16.40.50.A.3, the reimbursable amounts will be adjusted annually in January to include an amount attributable to interest. The annual adjustment will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1 of the previous year. The beginning ENR index will be 6581.

Although the developers of the Tienda Place subdivision installed and paid for approximately \$35,700 in street and underground utility improvements along the Tienda Drive frontages of the parcels, they have elected not to pursue reimbursement for those costs. We understand there was a private agreement between the developer and property owner for acquisition of the Tienda Drive right-of-way under which these development costs would not be reimbursed by the adjacent property owner. However, that private agreement does not cover the costs that were borne by the City.

FUNDING: Not applicable



Richard C. Prima, Jr.
Public Works Director

Prepared by: Sharon Welch, Senior Civil Engineer

RCP/SAW/pmf

Attachments

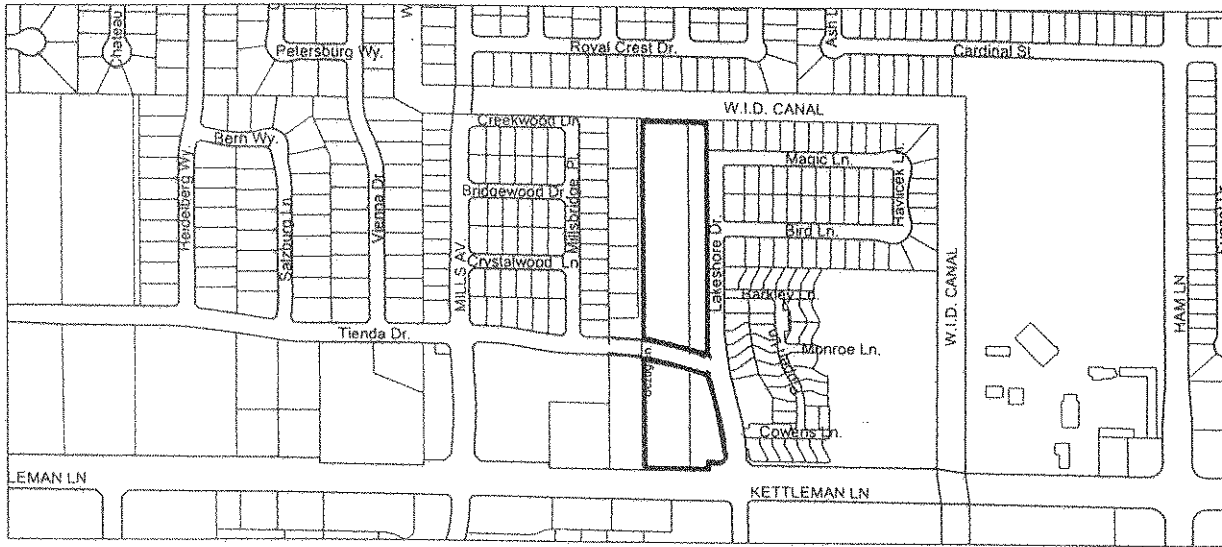
cc: Senior Civil Engineer – Development Services
Tokay Development – J. Jeffrey Kirst
R. Thomas Development – Jane Thomas
George S. Nakamura
D & B Enterprises, Inc.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A



VICINITY MAP



DETAIL

APN: 031-040-35

APN: 031-040-36

APN: 031-040-16



N.T.S.

Developm Tienda Drive Street Improvements
Engineer: Baumbach & Piazza

Date: 2/12/03

TOTAL COST OF TIENDA DRIVE IMPROVEMENTS FUNDED BY CITY						REIMBURSABLE COSTS							
						APN 031-040-35				APN 031-040-36			
						North		South		North		South	
Item	Description	Quantity	Unit	Price	Total	Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total
Street System													
1	Roadway Excavation	222	CY	5.25	\$1,165.50	88	\$462.46 ⁽¹⁾	88	\$462.46 ⁽¹⁾	23	\$120.29 ⁽¹⁾	23	\$120.29 ⁽¹⁾
2	Compact Original Ground (0.50')	4,796	SF	0.10	479.60	1,903	190.30	1,903	190.30	495	49.50	495	49.50
3	Aggregate Base, Class II (0.50')	4,796	SF	0.75	3,597.00	1,903	1,427.25	1,903	1,427.25	495	371.25	495	371.25
4	Asphalt Concrete, Type B (0.35')	4,796	SF	1.35	6,474.60	1,903	2,569.05	1,903	2,569.05	495	668.25	495	668.25
5	Vertical Curb & Gutter Only	400	LF	16.00	6,400.00	140	2,240.00	170	2,720.00	47	752.00	43	688.00
6	Concrete Subgrade Compaction	1,000	SF	1.50	1,500.00	350	525.00	425	637.50	117.5	176.25	107.5	161.25
	Subtotal Street System				\$19,616.70		\$7,414.06		\$8,006.56		\$2,137.54		\$2,058.54
	10% Engineering & Administration				1,961.67		\$741.41		\$800.66		\$213.75		\$205.85
	Total Street System				\$21,578.37	Total	\$8,155.46	Total	\$8,807.21	Total	\$2,351.30	Total	\$2,264.40
	Engineering Plan Check Fee (4.5%)				\$971.03		\$367.00		\$396.32		\$105.81		\$101.90
	Engineering Inspection Fee (2.5%)				539.46		203.69		220.18		56.78		56.61
	Reimbursement Application Fee				500.00		188.97 ⁽²⁾		204.08 ⁽²⁾		54.48 ⁽²⁾		52.47 ⁽²⁾
	Subtotal				\$2,010.49	Subtotal	\$759.66	Subtotal	\$820.58	Subtotal	\$219.07	Subtotal	\$210.96
	Total Reimbursable Costs:				\$23,588.86	Total	\$8,915.32	Total	\$9,627.79	Total	\$2,570.37	Total	\$2,475.38
Total Reimbursable Costs (2003):													
APN 031-040-35						\$18,543.11							
APN 031-040-36						\$5,045.75							
Total Reimbursable Costs (2003) - North Side:						\$11,485.69							
Total Reimbursable Costs (2003) - South Side:						\$12,103.17							

⁽¹⁾ Roadway Excavation is prorated based on the Compact Original Ground quantities.

⁽²⁾ The Reimbursement Application Fee is 1% of the reimbursable construction costs or \$500, whichever is more in accordance with LMC §16.40.040, Resolution No. 91-206.
The Reimbursement Application Fee has been prorated based on the Total Street System costs.

G-2

RESOLUTION NO. 2003-_____

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING AN AREA OF BENEFIT AND
REIMBURSABLE COSTS FOR TIENDA DRIVE
IMPROVEMENTS

=====

WHEREAS, the final map and improvement agreement for the Tienda Place, Unit No. 1, development were approved by the City Council on October 17, 2001; and

WHEREAS, the tentative map conditions for that project set forth in Resolution P.C. 99-23 adopted by the Planning Commission on June 23, 1999, required that the developer install street improvements (street paving only) and extend public utilities in the Tienda Drive alignment through the adjacent properties to the west, APN 031-040-35 and 031-040-36 (formerly combined as APN 031-040-09) and 031-040-16, as shown on Exhibit A attached hereto; and

WHEREAS, the Resolution further indicates that the developer shall pay one-half of the street pavement improvement costs and according to the Planning Commission minutes, approval would be sought from the City Council for reimbursement to the developer by the City for ~~these~~ **the balance of the** costs; and

WHEREAS, during the course of construction for the Tienda Drive development, the developer acquired an interest in the most westerly parcel, APN 031-040-16, along the Tienda Drive alignment and elected to install full street frontage improvements, including curb, gutter, and sidewalk, along that parcel as part of the Tienda Place Development, as that is a normal development requirement; and

WHEREAS, the installation of those improvements left only parcels APN 031-040-35 and 031-040-36 along the entire Tienda Drive alignment without curb-to-curb street improvements; and

WHEREAS, in the interest of public safety and to provide for orderly development, on August 7, 2002, the City Council approved an addendum to the improvement agreement for the Tienda Place, Unit No. 1, subdivision that included reimbursement to the developer by the City for one-half the street pavement improvements, as well as the installation of curb and gutter improvements for parcels APN 031-040-35 and 031-040-36 in order to complete the street; and

WHEREAS, in conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that the City Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the **City-funded** cost of street improvements on Tienda Drive fronting parcels APN 031-040-35 and 031-040-36 that benefit from those improvements; and

WHEREAS, the reimbursable costs for each parcel are shown on Exhibit B attached hereto. In addition, in anticipation of the submittal of a request for a lot line adjustment to create single parcels north and south of Tienda Drive, the reimbursable costs have also been segregated to reflect the total costs associated with the north and south sides of the street; and

WHEREAS, pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be adjusted annually in January to include an amount attributable to interest. The annual adjustment will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1 of the previous year. The beginning ENR index will be 6581.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the cost of **City-funded** street improvements on Tienda Drive fronting parcels APN 031-040-35 and 031-040-36 that benefit from those improvements. The reimbursable costs for each property are shown on Exhibit B attached **and shall be collected at the time of development for each parcel;** and
- b) Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be adjusted annually in January to include an amount attributable to interest. The annual adjustment will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1 of the previous year. The beginning ENR index will be 6581.

Dated: March 5, 2003

=====

I hereby certify that Resolution No. 2003-_____ was passed and adopted by the Lodi City Council in a regular meeting held March 5, 2003, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston
City Clerk

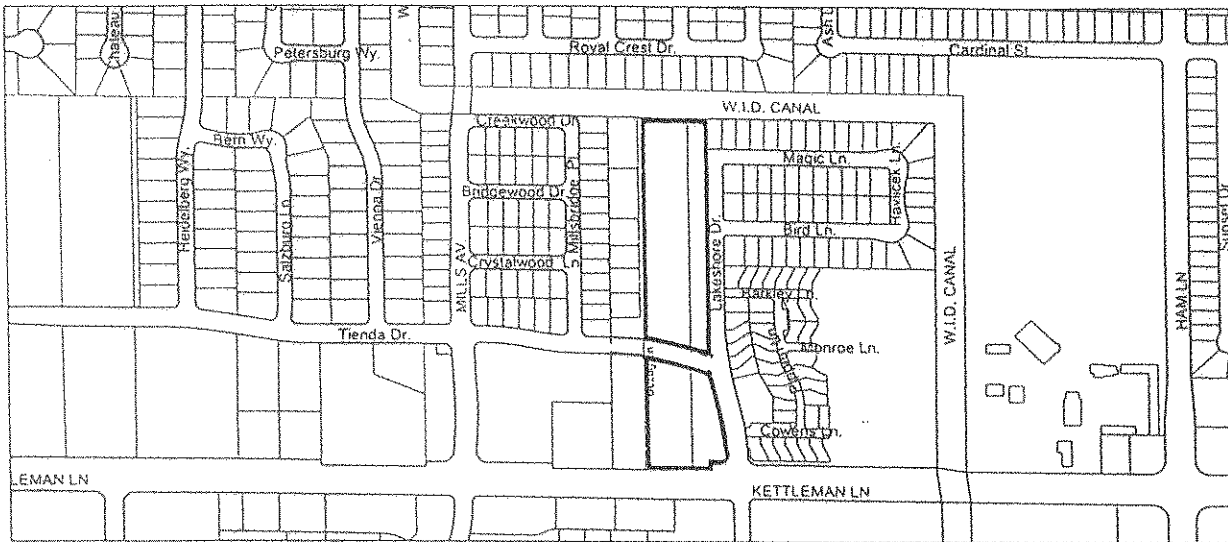
2003-_____



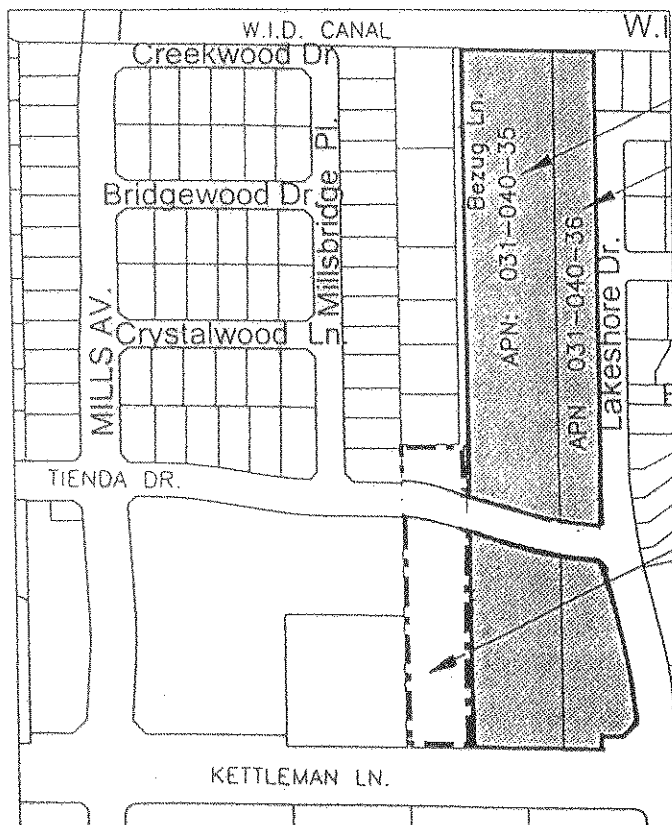
CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A



VICINITY MAP



DETAIL

APN: 031-040-35

APN: 031-040-36

APN: 031-040-16

N.T.S.



Developm: Tienda Drive Street Improvements
Engineer: Baumbach & Piazza

Date: 2/12/03

TOTAL COST OF TIENDA DRIVE IMPROVEMENTS FUNDED BY CITY						REIMBURSABLE COSTS							
						APN 031-040-35				APN 031-040-36			
						North		South		North		South	
Item	Description	Quantity	Unit	Price	Total	Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total
Street System													
1	Roadway Excavation	222	CY	5.25	\$1,155.50	88	\$462.46 ⁽¹⁾	88	\$462.46 ⁽¹⁾	23	\$120.29 ⁽¹⁾	23	\$120.29 ⁽¹⁾
2	Compact Original Ground (0.50')	4,796	SF	0.10	479.60	1,903	190.30	1,903	190.30	495	49.50	495	49.50
3	Aggregate Base, Class II (0.50')	4,796	SF	0.75	3,597.00	1,903	1,427.25	1,903	1,427.25	495	371.25	495	371.25
4	Asphalt Concrete, Type B (0.35')	4,796	SF	1.35	6,474.60	1,903	2,569.05	1,903	2,569.05	495	668.25	495	668.25
5	Vertical Curb & Gutter Only	400	LF	16.00	6,400.00	140	2,240.00	170	2,720.00	47	752.00	43	688.00
6	Concrete Subgrade Compaction	1,000	SF	1.50	1,500.00	350	525.00	425	637.50	117.5	176.25	107.5	161.25
Subtotal Street System					\$19,816.70	\$7,414.06		\$8,006.56		\$2,137.54		\$2,058.54	
10% Engineering & Administration					1,961.67	\$741.41		\$800.66		\$213.75		\$205.85	
Total Street System					\$21,578.37	Total		Total		Total		Total	
Engineering Plan Check Fee (4.5%)					\$971.03	\$367.00		\$396.32		\$105.81		\$101.90	
Engineering Inspection Fee (2.5%)					539.46	203.89		220.18		58.78		56.61	
Reimbursement Application Fee					500.00	188.97 ⁽²⁾		204.08 ⁽²⁾		54.48 ⁽²⁾		52.47 ⁽²⁾	
Subtotal					\$2,010.49	Subtotal		Subtotal		Subtotal		Subtotal	
Total Reimbursable Costs:					\$23,588.86	Total		Total		Total		Total	
Total Reimbursable Costs (2003):													
APN 031-040-35						\$18,543.11							
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Total Reimbursable Costs (2003) - North Side:						\$11,485.69							
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The Reimbursement Application Fee has been prorated based on the Total Street System costs.

CERTIFICATE OF MAILING

**MARCH 5, 2003 PUBLIC HEARING
TO ESTABLISH AN AREA OF BENEFIT AND REIMBURSABLE COSTS
FOR TIENDA DRIVE IMPROVEMENTS**

I, Susan J. Blackston, City Clerk of the City of Lodi, hereby declare that on February 7, 2003, I caused to be mailed copies of the below listed documents to all people/agencies listed on the mailing list on file in the office of the City Clerk (see attached):

- 1) Notice of Public Hearing
- 2) Map of the area as prepared by the Public Works Department
- 3) Report of Costs for Reimbursable Improvements as prepared by the Public Works Department

Dated: February 7, 2003



SUSAN J. BLACKSTON
CITY CLERK
OF THE CITY OF LODI

PUBLIC HEARING TO CONSIDER A RESOLUTION ESTABLISHING AN AREA OF
BENEFIT AND REIMBURSABLE COSTS FOR TIENDA DRIVE IMPROVEMENTS

MAILING LIST

Mr. J. Jeffrey Kirst
Tokay Development
PO Box 1259
Woodbridge, CA 95258

Ms. Jane Thomas
R. Thomas Development
PO Box 1598
Lodi, CA 95241-1598

Mr. George Nakamura
645 Posada Way
Fremont, CA 94536

D & B Sasaki Enterprises, Inc.
1806 W. Kettleman Lane, Ste. H
Lodi, CA 95242

CITY COUNCIL

SAN HITCHCOCK, Mayor
BILLY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
BRYAN D. HANSEN
JIM LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclerk@lodi.gov

H. DIXON FLYNN
City Manager

SUSAN J. BLACKSTON
City Clerk

RANDALL A. HAYS
City Attorney

February 7, 2003

MAILED CERTIFIED MAIL #7000 1670 4483 0909
AND REGULAR U.S. POSTAL DELIVERY

Mr. Jeffrey Kirst
Tokay Development
P.O. Box 1259
Woodbridge, CA 95258

NOTICE OF PUBLIC HEARING – MARCH 5, 2003

This is to notify you that a public hearing will be held by the Lodi City Council on **March 5, 2003 at 7:00 p.m.** or as soon thereafter as the matter can be heard, in the Council Chambers, at Carnegie Forum, 305 West Pine Street, Lodi.

This hearing is being held to consider a resolution establishing an area of benefit and reimbursable costs for Tienda Drive improvements fronting parcels APN 031-040-35 and 031-040-36.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. *Note: Written correspondence for the City Council may be mailed C/O The City Clerk's Office, 221 West Pine Street, Lodi, California, 95240.*

Should you have any questions, please contact Public Works Director Richard Prima at (209) 333-6706.



Susan J. Blackston
City Clerk

enc: Exhibit A – Map
Exhibit B – Costs for Reimbursable Improvements

cc w/o enc: Public Works

RESOLUTION NO. 2003-35

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING AN AREA OF BENEFIT AND
REIMBURSABLE COSTS FOR TIENDA DRIVE
IMPROVEMENTS

WHEREAS, the final map and improvement agreement for the Tienda Place, Unit No. 1, development were approved by the City Council on October 17, 2001; and

WHEREAS, the tentative map conditions for that project set forth in Resolution P.C. 99-23 adopted by the Planning Commission on June 23, 1999, required that the developer install street improvements (street paving only) and extend public utilities in the Tienda Drive alignment through the adjacent properties to the west, APN 031-040-35 and 031-040-36 (formerly combined as APN 031-040-09) and 031-040-16, as shown on Exhibit A attached hereto; and

WHEREAS, the Resolution further indicates that the developer shall pay one-half of the street pavement improvement costs and, according to the Planning Commission minutes, approval would be sought from the City Council for reimbursement to the developer by the City for the balance of the costs; and

WHEREAS, during the course of construction for the Tienda Drive development, the developer acquired an interest in the most westerly parcel, APN 031-040-16, along the Tienda Drive alignment and elected to install full street frontage improvements, including curb, gutter, and sidewalk, along that parcel as part of the Tienda Place Development, as that is a normal development requirement; and

WHEREAS, the installation of those improvements left only parcels APN 031-040-35 and 031-040-36 along the entire Tienda Drive alignment without curb-to-curb street improvements; and

WHEREAS, in the interest of public safety and to provide for orderly development, on August 7, 2002, the City Council approved an addendum to the improvement agreement for the Tienda Place, Unit No. 1, subdivision that included reimbursement to the developer by the City for one-half the street pavement improvements, as well as the installation of curb and gutter improvements for parcels APN 031-040-35 and 031-040-36 in order to complete the street; and

WHEREAS, in conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that the City Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the City-funded cost of street improvements on Tienda Drive fronting parcels APN 031-040-35 and 031-040-36 that benefit from those improvements; and

WHEREAS, the reimbursable costs for each parcel are shown on Exhibit B attached hereto. In addition, in anticipation of the submittal of a request for a lot line adjustment to create single parcels north and south of Tienda Drive, the reimbursable costs have also been segregated to reflect the total costs associated with the north and south sides of the street; and

WHEREAS, pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be adjusted annually in January to include an amount attributable to interest. The annual adjustment will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1 of the previous year. The beginning ENR index will be 6581.

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Dated: March 5, 2003

=====

I hereby certify that Resolution No. 2003-35 was passed and adopted by the Lodi City Council in a regular meeting held March 5, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



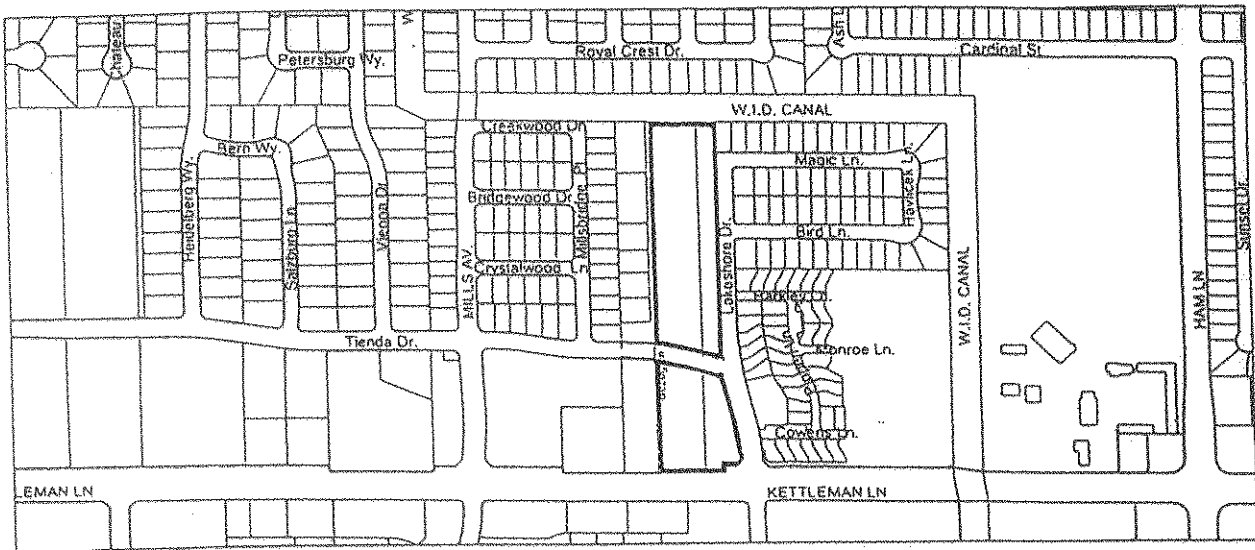
Susan J. Blackston
City Clerk



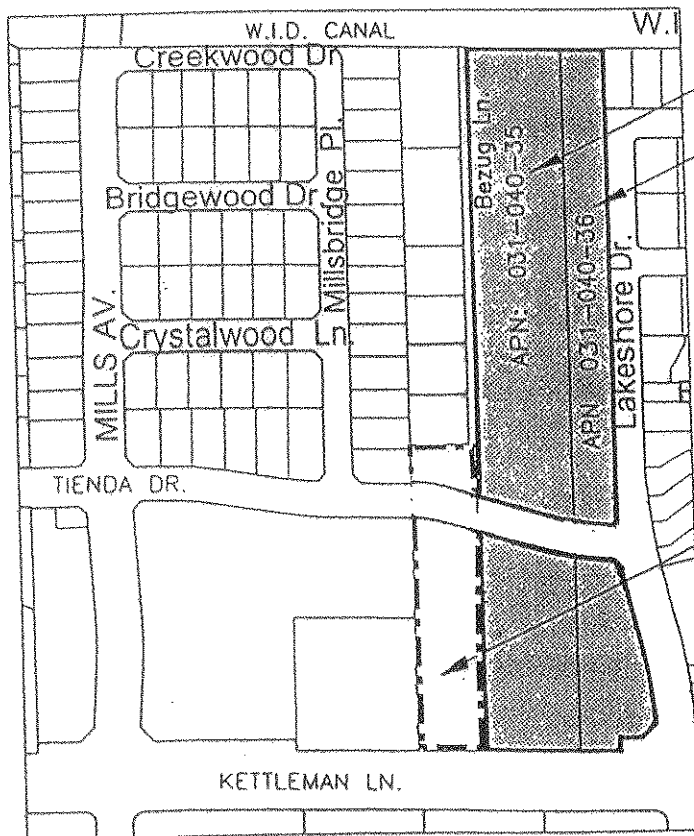
CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A



VICINITY MAP



APN: 031-040-35

APN: 031-040-36

APN: 031-040-16

DETAIL

N.T.S.



Developm: Tienda Drive Street Improvements
Engineer: Baumbach & Piazza

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CITY COUNCIL

SUSAN HITCHCOCK, Mayor
EMILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
KEITH LAND

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
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FAX (209) 333-6710
EMAIL pwdept@lodi.gov
http://www.lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

February 27, 2003

Mr. J. Jeffrey Kirst
Tokay Development
P.O. Box 1259
Woodbridge, CA 95258

Ms. Jane Thomas
R. Thomas Development
P.O. Box 1598
Lodi, CA 95241-1598

Mr. George Nakamura
645 Posada Way
Fremont, CA 94536

D & B Sasaki Enterprises, Inc.
1806 W. Kettleman Lane, Ste. H
Lodi, CA 95242

SUBJECT: Public Hearing to Consider a Resolution Establishing an Area of Benefit
and Reimbursable Costs for Tienda Drive Improvements

Enclosed is a copy of background information on an item on the City Council agenda of
Wednesday, March 5, 2003. The meeting will be held at 7 p.m. in the
City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and
speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council,
City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the
mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's
card (available at the Carnegie Forum immediately prior to the start of the meeting) and
give it to the City Clerk. If you have any questions about communicating with the
Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch,
Senior Civil Engineer, at (209) 333-6800, extension 2659.



for : Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk

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